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DIRECTOR

May 30, 2007

**VIA E-FILING**

The Honorable Mary Pat Thyng  
United States District Court  
Federal Building  
844 King Street  
Wilmington, Delaware 19801

Re: Vernette Walker v. The News Journal and Ann Hines  
Civil Action No. 06-138-MPT

Dear Judge Thyng:

Defendants are in receipt of plaintiff Vernetta Walker's request for appointment of counsel. As this Court is well aware, plaintiff has no constitutional or statutory right to the appointment of counsel in a civil case. Flax v. State of Delaware, slip op., C.A. No. 03-922, 2007 WL1170625 (D. Del. Apr. 19, 2007) (citations omitted). The Court may, in its discretion, appoint counsel based upon a showing of special circumstances indicating the likelihood of substantial prejudice to an unrepresented party. 28 U.S.C. § 1915(e)(1); Tabron, 6 F.3d at 154 (citing Smith-Bey v. Petsok, 741 F.2d 22 (3d Cir. 1984)). Ultimately, defendants have no position on whether the Court appoints counsel. However, defendants note that contrary to Ms. Walker's letter, the DDOL and the EEOC did not believe the case had merit in light of the no-cause finding issued by the DDOL which was affirmed by the EEOC. As the Court is aware, the right to sue letter is issued regardless of the agency's findings.

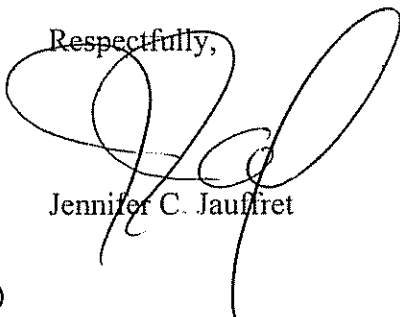
In consideration of this issue, defendants additionally point out that they have sent Ms. Walker notice, by letter dated May 9, 2007, that her responses to defendants' discovery requests have not been received. Defendants have also noticed plaintiff's deposition for June 28, 2007. Going forward with Ms. Walker's deposition is contingent upon prior receipt of her discovery responses. In the May 9 letter, defendants extended to Ms. Walker (without a request) a reasonable extension to May 22, 2007 to respond, but to date, no responses have been received. Moreover, Ms. Walker was ordered by the Court to submit an answering brief to defendants' motions to dismiss on or before May 18, 2007. To date, no such brief has been filed or served upon defendants. As stated above, defendants take no position on whether plaintiff is appointed

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counsel by the Court, but would like this matter to proceed in accordance with the scheduling order in place so that defendants have prompt resolution of the claims against them. Towards that end, defendants would like plaintiff to respect the deadlines set forth in the scheduling order and the applicable Court rules absent exigent circumstances and prior approval from the Court.

If the Court requires any further information from defendants, counsel remains available at the Court's convenience.

Respectfully,



Jennifer C. Jauffret

JCB/kdm

cc: Ms. Vernetta Walker (via first class mail)  
Peter T. Dalleo, Clerk (via hand delivery)  
Ms. Ann Hines (via first class mail)  
Ms. Dolores Pinto (via first class mail)